

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2010 JAN 13 PM 1:07

DEPUTY CLERK BDG

UNITED STATES OF AMERICA

v.

DEAN RICHARD TARKINGTON

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§

5-10CR0001-C

The Grand Jury Charges:

INDICTMENT

Count 1

Attempted Enticement of a Child
(Violation of 18 U.S.C. §§ 2422(b) and 2)

From on or about November 4, 2009, through on or about November 24, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did knowingly, by means of the Internet, a facility and means of interstate and foreign commerce, attempt to persuade, induce, and entice a minor, being a person under the age of eighteen (18) years, who in actual fact was a law enforcement officer who **Tarkington** believed to be a sixteen (16) year-old minor female, who had identified herself as "sexyshangirl," to engage in sexual activity for which **Tarkington** could be charged with a criminal offense, that is: a violation of LSA-R.S. 14:80 (Louisiana statutes), which makes it a crime to engage in sexual intercourse with a person who is thirteen years of age or older but less than seventeen years of age, not the spouse of the actor; a violation of LSA-RS 14:81.1 (Louisiana statutes), which makes it a crime to solicit any child under the age of seventeen for the purpose of photographing or

otherwise reproducing visually any sexual performance involving a child under the age of seventeen; and a violation of Section 2251(a) of Title 18, United States Code, as charged in Count 2 of this indictment, which makes it a crime to use, persuade, induce, or entice a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or to attempt to do so.

All in violation of Title 18, United States Code, Sections 2422(b) and 2.

Count 2

Attempted Production of Child Pornography
(Violation of 18 U.S.C. §§ 2251(a) and 2)

On or about November 24, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did use, persuade, induce, and entice, and attempt to do so, a minor, being a person under the age of eighteen (18) years, who in actual fact was a law enforcement officer who **Tarkington** believed to be a sixteen (16) year-old minor female who had identified herself as “sexyshangirl,” to engage in sexually explicit conduct, that is, lascivious exhibition of the genitals and pubic area of said child, for the purpose of producing a visual depiction of such conduct, knowing, and having reason to know, that the visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2.

Count 3

Attempted Receipt of a Visual Depiction
of a Minor Engaging in Sexually Explicit Conduct
(Violation of 18 U.S.C. § 2252(a)(2) and 2)

On or about November 24, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did knowingly attempt to receive a visual depiction, using a means and facility of interstate and foreign commerce, the producing of which would involve the use of a minor, a person under the age of eighteen (18) years, engaging in sexually explicit conduct, and which visual depiction would be of such conduct, that is: the lascivious exhibition of the genitals and pubic area of a person who had identified herself as “sexyshangirl,” who in actual fact was a law enforcement officer who **Tarkington** believed to be a sixteen (16) year-old minor female.

In violation of Title 18, United States Code, Sections 2252(a)(2) and 2.

Count 4

Attempted Possession of Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(5)(B) and 2)

On or about November 24, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did attempt to knowingly possess a digital file that contained an image of child pornography that would be shipped or transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, that is: an image of a minor female who had identified herself as “sexyshangirl,” who in actual fact was a law enforcement officer who Tarkington believed to be a sixteen (16) year-old minor female, engaging in lascivious exhibition of her genitals and pubic area.

In violation of Title 18, United States Code, Sections 2252A(a)(5) (B) and 2.

Count 5

Attempted Enticement of a Child
(Violation of 18 U.S.C. §§ 2422(b) and 2)

From on or about November 30, 2009, through on or about December 14, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did knowingly, by means of the Internet, a facility and means of interstate and foreign commerce, attempt to persuade, induce, and entice, a minor, being a person under the age of eighteen (18) years, who in actual fact was a law enforcement officer who **Tarkington** believed to be a fifteen (15) year-old minor female, who had identified herself as "brookangela99," to engage in sexual activity for which **Tarkington** could be charged with a criminal offense, that is: a violation of Miss. Code Ann. Section 97-3-65, which makes it a crime to have sexual intercourse with a child who is at least fourteen but under sixteen years of age, and is not the person's spouse; a violation of Miss. Code Ann. Section 97-5-33, which makes it a crime to solicit any child under the age of eighteen years to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; and a violation of Section 2251(a) of Title 18, United States Code, as charged in Count 6 of this indictment, which makes it a crime to

use, persuade, induce, or entice a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or to attempt to do so.

All in violation of Title 18, United States Code, Sections 2422(b) and 2.

Count 6

Attempted Production of Child Pornography
(Violation of 18 U.S.C. §§ 2251(a) and 2)

On or about December 2, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did use, persuade, induce, and entice, and attempt to do so, a minor, being a person under the age of eighteen (18) years, who in actual fact was a law enforcement officer who **Tarkington** believed to be a fifteen (15) year-old minor female, who had identified herself as “brookangela99,” to engage in sexually explicit conduct, that is, lascivious exhibition of the genitals and pubic area of said child, and oral-genital sexual intercourse, for the purpose of producing a visual depiction of such conduct, knowing, and having reason to know, that the visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2.

Count 7

Attempted Receipt of a Visual Depiction
of a Minor Engaging in Sexually Explicit Conduct
(Violation of 18 U.S.C. § 2252(a)(2) and 2)

On or about December 2, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did knowingly attempt to receive a visual depiction, using a means and facility of interstate and foreign commerce, the producing of which would involve the use of a minor, a person under the age of eighteen (18) years, engaging in sexually explicit conduct, and which visual depiction would be of such conduct, that is: oral-genital sexual intercourse, and the lascivious exhibition of the genitals and pubic area of a person who had identified herself as “brookangela99,” who in actual fact was a law enforcement officer who **Tarkington** believed to be a fifteen (15) year-old minor female.

In violation of Title 18, United States Code, Sections 2252(a)(2) and 2.

Count 8

Attempted Possession of Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(5)(B) and 2)

On or about December 2, 2009, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Dean Richard Tarkington**, defendant, did attempt to knowingly possess a digital file that contained an image of child pornography that would be shipped or transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, that is: an image of a minor female who had identified herself as “brookangela99,” who in actual fact was a law enforcement officer who **Tarkington** believed to be a fifteen (15) year-old minor female, engaging in oral-genital sexual intercourse, and lascivious exhibition of her genitals and pubic area.

In violation of Title 18, United States Code, Sections 2252A(a)(5) (B) and 2.

Count 9

Attempted Transfer of Obscene Material to a Minor
(Violation of 18 U.S.C. §§ 1470 and 2)

On or about November 30, 2009, in the Lubbock Division of the Northern District of Texas, **Dean Richard Tarkington**, defendant, used the Internet, a facility and means of interstate and foreign commerce, and attempted to knowingly transfer obscene matter to another individual who had not attained the age of sixteen (16) years, by sending a live “webcam” transmission of obscene matter to an undercover law enforcement agent, believing the agent to be a minor female who had not attained the age of sixteen (16) years.

In violation of Title 18, United States Code, Sections 1470 and 2.

Forfeiture Notice
(18 U.S.C. § 2253)

Upon conviction of the offense(s) alleged in Counts 2 through 4 and Counts 6 through 8, and pursuant to 18 U.S.C. § 2253(a), defendant **Dean Richard Tarkington** shall forfeit to the United States of America (a) any visual depiction described in 18 U.S.C. § 2252 and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in the offense; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and (c) and any property, real or personal, used or intended to be used to commit or to promote the commission of the respective offense and any property traceable to such property.

The above-referenced property subject to forfeiture includes, but is not limited to, any interest in the following:

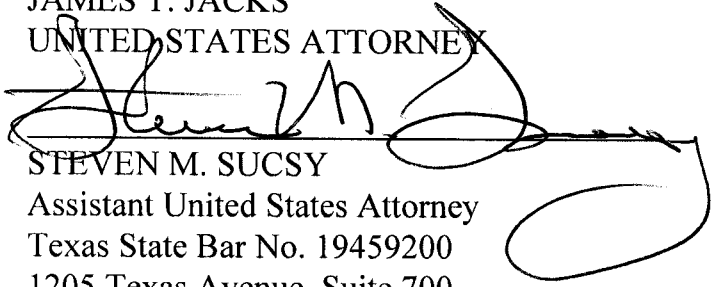
1. One Black Acer Aspire ZG5 netbook, serial number LUS090B11908094BA2500.
2. One Black HP Pavilion DV9500 laptop, serial number CNF7374HTJ.

Pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL

FOREPERSON

JAMES T. JACKS
UNITED STATES ATTORNEY


STEVEN M. SUCSY
Assistant United States Attorney
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

THE UNITED STATES OF AMERICA

vs.

DEAN RICHARD TARKINGTON

INDICTMENT

18 U.S.C. § 2422(b),
Attempted Enticement of a Child (2 Counts);

18 U.S.C. § 2251(a),
Attempted Production of Child Pornography (2 Counts);

18 U.S.C. § 2252(a)(2),
Attempted Receipt of a Visual Depiction of a
Minor Engaging in Sexually Explicit Conduct (2 Counts);

18 U.S.C. § 2252A(a)(5)(B),
Attempted Possession of Child Pornography (2 Counts);

18 U.S.C. § 1470,
Attempted Transfer of Obscene Material to a Minor (1 Count); and

18 U.S.C. § 2253,
Forfeiture Notice.

A true bill rendered,

LUBBOCK, TEXAS

Foreperson

Filed in open court this 13th day of January, A.D. 2010.

Clerk

Summons to Issue- Defendant already on bond.

United States District/Magistrate Judge

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

Related Case Information

Superseding Indictment: ☐ Yes ☒ No New Defendant: ☐ Yes ☐ NoPending CR Case in NDTX: ☒ Yes ☐ No If Yes, number: _____Magistrate Case Number 5:09-MJ-122 (Complaint filed 12/22/09)1. **Defendant Information**Juvenile: ☐ Yes ☒ No

If Yes, Matter to be sealed:

☐ Yes ☐ No**5-10CR0001-C**Defendant Name DEAN RICHARD TARKINGTON

Alias Name _____

Address 3205 81st StreetLubbock, TX 79423County in which offense was committed: Lubbock2. **U.S. Attorney Information**AUSA STEVEN M. SUCSYBar # TX 194592003. **Interpreter**☐ Yes ☒ No

If Yes, list language and/or dialect: _____

4. **Location Status**Arrest Date 12-28-09☐ Already in Federal Custody as of _____ in _____☐ Already in State Custody☒ On Pretrial Release5. **U.S.C. Citations**Total # of Counts as to This Defendant: 9 ☐ Petty ☐ Misdemeanor ☒ Felony

Citation	Description of Offense Charged	Count(s)
<u>18 USC 2422(b)</u>	<u>Attempted Enticement of a Child</u>	<u>1, 5</u>
<u>18 USC 2251(a)</u>	<u>Attempted Production of Child Pornography</u>	<u>2, 6</u>
<u>18 USC 2252(A)(2)</u>	<u>Attempted Receipt of a Visual Depiction of a Minor Engaging in Sexually Explicit Conduct</u>	<u>3, 7</u>
<u>18 USC 2252A(a)(5)(B)</u>	<u>Attempted Possession of Child Pornography</u>	<u>4, 8</u>
<u>18 USC 1470</u>	<u>Attempted Transfer of Obscene Material to Minor</u>	<u>9</u>
<u>18 USC 2253</u>	<u>Forfeiture</u>	

Date 1-13-10

Signature of AUSA:

Steven M. Sucsy